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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 State of Arizona, et al.,

No. CV-23-00233-TUC-CKJ

10 Plaintiff,

ORDER

11 v.

12 Michael D Lansky LLC, et al.,

13 Defendantss.
14

15 Plaintiff is correct:

16 On May 8, 2024, this Court denied Defendant Lansky's motion to dismiss
17 for failure to state a claim and struck Defendants' supplement to their motion
18 to dismiss. As Defendant Lansky acknowledges, this Court could have, but
19 did not, dismiss Plaintiffs' alter ego count. (Motion at 2.) Instead, this Court
20 granted Plaintiffs permissive leave to amend their Complaint within 14 days,
21 or leave to amend pursuant to Fed.R.Civ.P. 15(a)(2) and (b). (Order, 19:27-
28; 35:6-7) ("Plaintiffs may amend the Complaint to state this claim. *See*
22 *also*, Fed.R.Civ.P. 15(a)(2) and (b)"). Plaintiffs chose not to file an amended
23 complaint immediately, and reserve their right to seek leave pursuant to
24 Fed.R.Civ.P. 15 to plead further allegations once they have conducted
25 additional discovery.

26 (Resp. to Notice/Motion to Dismiss (Doc. 66) at 1 (citing Order (Doc. 64 at 4, 19.) ([Dkt
27 64] (the "Order"))). To be clear, the Plaintiffs, having failed to file a Amended Complaint,
28 any claims relying on alter ego theories of liability, including piercing the corporate veil
(Complaint (Doc. 1) ¶409), are dismissed, without prejudice. There is no corresponding
Count in the Complaint dedicated to this theory of liability, therefor, the Court dismisses
this as a theory of liability for all Counts.

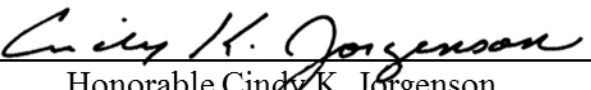
1 This does not preclude the Plaintiffs from seeking leave of the Court to amend the
2 Complaint pursuant to Fed. R. Civ. P. 15(a)(2) or (b).

3 The Defendants filed an Answer on June 14, 2024. Simultaneous with this Order,
4 the Court issues an Order setting this case for a case management scheduling conference.

5 **Accordingly,**

6 **IT IS ORDERED** that the Motion to Dismiss (Doc. 65) is GRANTED and pursuant
7 to the Notice that Plaintiffs did not file an amended Complaint to allege an alter ego theory
8 of liability, including piercing the corporate veil, such claims are dismissed as to all Counts,
9 without prejudice.

10 Dated this 5th day of July, 2024.

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13 Honorable Cindy K. Jorgenson
14 United States District Judge
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